

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

FEDEx SUPPLY CHAIN LOGISTICS &  
ELECTRONICS, INC.,

PLAINTIFF,

V.

JAMES E. GOODMAN, JR., JOHN GOODMAN, JOHNATHAN GOODMAN, JAKE GOODMAN, JOSEPH “JODY” GOODMAN, JAMES FRINZI, SHALOM AUERBACH, NEIL AUERBACH, STEVEN ZAKHARYAYEV, EVALINA PINKHASOVA, GENESIS NETWORKS TELECOM SERVICES, LLC, GNET ATC, LLC, GREATER TECH HOLDINGS, INC. F/K/A GOODMAN TELECOM HOLDINGS, LLC, GOODMAN INVESTMENT HOLDINGS, LLC, UNIFIED FIELD SERVICES, INC., AMERICAN METALS RECOVERY AND RECYCLING, INC., A/K/A MGB HOLDINGS, INC., MULTIBAND FIELD SERVICES, INC., HSB HOLDINGS, LLC, F/K/A MULTIBAND GLOBAL RESOURCES, LLC, AMR RESOURCES, LLC, HUDSON CLEAN ENERGY ENTERPRISES, LLC, 18920 NW 11TH, LLC, PROSPERITY BANCSHARES, INC., THE FRINZI FAMILY TRUST, ALLIANCE TEXAS HOLDINGS, LLC, AUERBACH PARTNERS, LP, AND ONEPATH SYSTEMS, LLC,

DEFENDANTS.

Civil Action No. 3:23-cv-02397

## RESPONSE TO PLAINTIFF'S MOTION TO REOPEN

NOW COME Defendants James E. Goodman, Jr., Jake Goodman, and Goodman Investment Holdings, LLC (the “**Goodman Defendants**”) and file this *Response to Plaintiff’s Motion to Reopen*, and respectfully show as follows:

**RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

On September 6, 2022, an involuntary chapter 7 bankruptcy case was filed against Goodman Networks, Inc. (the “**Debtor**”) in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the “**Bankruptcy Court**”) pending under Case No. 22-31641-mv17 (the “**Bankruptcy Case**”).

On December 12, 2022, the Bankruptcy Court entered an order granting chapter 7 relief permitting the Bankruptcy Case to proceed under chapter 7 of the Bankruptcy Code. [Bankruptcy Case, ECF No. 132]. Scott M. Seidel was then appointed as chapter 7 trustee for Debtor (the “**Trustee**”).

On October 27, 2023, Plaintiff FedEx Supply Chain Logistics & Electronics, Inc. (“**FedEx**”) commenced this action. [ECF No. 1]. The Goodman Defendants are defendants in this action and parties in interest in the Bankruptcy Case.

On November 15, 2023, the Trustee initiated an adversary proceeding against FedEx in the Bankruptcy Court, Adversary No. 23-03091-mv1 (the “**Adversary Proceeding**”). On November 21, 2023, the Trustee filed his *Trustee’s Motion for Preliminary Injunction* (the “**Trustee’s Injunction Motion**”). [Adversary Proceeding ECF No. 4], which seeks an order enjoining FedEx from pursuing its causes of action against the Goodman Defendants, among others, until the Bankruptcy Court makes a determination on the merits of the Adversary Proceeding or issues a permanent injunction against FedEx.

The Trustee and FedEx have negotiated a settlement that resolves the Adversary Proceeding. On February 29, 2024, the Trustee filed a Motion Under Bankruptcy Rule 9019 for Approval of Multi-Party Settlement Regarding Property of the Estate (the “Compromise Motion”), which was heard by the Bankruptcy Court on March 27, 2024. [Bankruptcy Case, ECF No. 502]. Under the Compromise Motion, the Trustee and FedEx agreed, among other things, that FedEx’s claims in this litigation would proceed and the Trustee would dismiss his adversary proceeding against FedEx. *Id.* On March 29, 2024, the Bankruptcy Court entered an order approving the Compromise Motion. [Bankruptcy ECF No. 526].

On March 20, 2024, FedEx filed a motion to reopen the case and lift the stay. [ECF No. 82]. On March 22, 2024, the Court entered an electronic order directing all defendants to file a response to the Motion to Reopen no later than April 1, 2024.

#### **GOODMAN DEFENDANTS’ RESPONSE TO MOTION TO REOPEN**

The Goodman Defendants do not oppose reopening this litigation and lifting the stay. In its Motion to Reopen, FedEx informed the Court that it intended to seek the Court’s leave to file a second amended complaint based on the terms of the Compromise Motion, which, per FedEx, necessitates removing one claim. [ECF No. 82].

Given the anticipated length of FedEx’s amended complaint, the Goodman Defendants request that the Court set the responsive pleading deadline for thirty (30) days after FedEx files its amended complaint.

#### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, the Goodman Defendants request that this Court enter an order setting the deadline to answer or otherwise respond to FedEx’s pleading to 30 days after FedEx files its amended complaint, as described in the Motion to Reopen.

Dated: April 1, 2024

**PULMAN, CAPPUCCIO & PULLEN, LLP**

2161 NW Military Highway, Suite 400  
San Antonio, Texas 78213  
[www.pulmanlaw.com](http://www.pulmanlaw.com)  
(210) 222-9494 Telephone  
(210) 892-1610 Facsimile

By: /s/ Anna K. MacFarlane

Randall A. Pulman  
Texas State Bar No. 16393250  
[rpulman@pulmanlaw.com](mailto:rpulman@pulmanlaw.com)  
Leslie Sara Hyman  
Texas State Bar No. 00798274  
[lhyan@pulmanlaw.com](mailto:lhyan@pulmanlaw.com)  
Anna K. MacFarlane  
Texas State Bar No. 24116701  
[amacfarlane@pulmanlaw.com](mailto:amacfarlane@pulmanlaw.com)

**COUNSEL FOR THE GOODMAN DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2024, a true and correct copy of the foregoing was served by the Court's Electronic Case Filing System on all counsel of record.

/s/ Anna K. MacFarlane  
Anna K. MacFarlane